

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SERVICE EMPLOYEES INTERNATIONAL UNION,
DAVID REGAN and ELISEO MEDINA, as trustees for
SEIU UNITED HEALTHCARE WORKERS-WEST
and fiduciaries of the SEIU UNITED HEALTHCARE
WORKERS-WEST AND JOINT EMPLOYER
EDUCATION FUND, SEIU UNITED HEALTHCARE
WORKERS-WEST, an unincorporated association and
fiduciary of the SEIU UNITED HEALTHCARE
WORKERS-WEST AND JOINT EMPLOYER
EDUCATION FUND, and REBECCA COLLINS, as a
participant in the SEIU UNITED HEALTHCARE
WORKERS-WEST AND JOINT EMPLOYER
EDUCATION FUND,

Plaintiffs,

v.

SAL ROSELLI, JORGE RODRIGUEZ, JOAN
EMSLIE, JOHN BORSOS, JOHN VELLARDITA,
GABE KRISTAL, PAUL KUMAR, MARTHA
FIGUEROA, BARBARA LEWIS, PHYLLIS
WILLETT, DANIEL MARTIN, LAURA KURRE,
RALPH CORNEJO, WILL CLAYTON, GLENN
GOLDSTEIN, FRED SEAVEY, MARK KIPFER,
AARON BRICKMAN, IAN SELDEN, GAIL
BUHLER, FREJA NELSON, ANDREW REID,
NATIONAL UNION OF HEALTHCARE WORKERS;
MARYRUTH GROSS, CONNIE WILSON, ARLENE
PEASNALL, CHERIE KUNOLD, FAYE LINCOLN,
and DOES 1 through 100, inclusive,

Defendants.

No. C 09-00404 WHA

**ORDER REGARDING
DEFENDANT NUHW'S
REQUEST FOR ENTRY
OF JUDGMENT**

A May 14 order granted in part and denied in part motions to dismiss filed by
defendants. The order dismissed the only claim asserted against defendant National Union of
Healthcare Workers. Defendant NUHW has requested the entry of judgment in its favor

1 pursuant to FRCP 54(b). Plaintiffs oppose the request on the grounds that it is procedurally
2 inappropriate and that defendants must notice a proper motion for the entry of judgment.

3 FRCP(b) provides that:

4 When an action presents more than one claim for relief . . . or
5 when multiple parties are involved, the court may direct entry of a
6 final judgment as to one or more, but fewer than all, claims or
7 parties only if the court expressly determines that there is no just
8 reason for delay. Otherwise, any order or other decision, however
9 designated, that adjudicates fewer than all the claims or the rights
10 and liabilities of fewer than all the parties does not end the action
11 as to any of the claims or parties and may be revised at any time
12 before the entry of a judgment adjudicating all the claims and all
13 the parties' rights and liabilities.

14 Defendant's request for entry of judgment is **DENIED** without prejudice. The general
15 rule is that an order adjudicating the claims or rights of fewer than all parties does not end the
16 action and may be revised at any time before the entry of final judgment. Defendant's request
17 fails to provide good cause to deviate from that general rule and to bombard the Circuit with
18 piecemeal appeals. If defendant wishes to file a proper motion setting forth the reasons for the
19 request and allowing plaintiffs an opportunity to respond thereto, they may request leave to file
20 a motion in accordance with the May 20 case management order.

21 **IT IS SO ORDERED.**

22 Dated: June 3, 2009.

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25 WILLIAM ALSUP
26 UNITED STATES DISTRICT JUDGE
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